

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES ERNEST DICKERSON,

Plaintiff,

v.

CAROL PORTER,

Defendant.

Case No. C06-5110RJB

ORDER

This matter comes before the Court upon Plaintiff's Motion to Reopen Case (Dkt. 22) and Plaintiff's Motion to Appoint Counsel (Dkt. 23). The Court has reviewed the pleadings filed in support of and in opposition to these motions and the remaining record.

**I. PENDING MOTIONS**

On May 9, 2006, U.S. Magistrate Judge J. Kelley Arnold recommended dismissal of this case without prejudice due to Plaintiff's failure to file a legible complaint. Dkt. 15. Plaintiff was given ample time to file a legible complaint and still failed to do so. Accordingly, the Report and Recommendation was adopted on June 6, 2006. Dkt. 20. No notice of appeal was filed.

The pending Motion to Reopen Case (Dkt. 22) and Motion to Appoint Counsel (Dkt.23), both filed July 24, 2006, should be stricken as moot. There is no valid complaint before the Court. Additionally, these motions are without merit.


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The Court notes that Petitioner has been cautioned regarding the filing of frivolous motions, particularly after a Report and Recommendation has been adopted dismissing the case. *Dickerson v. [REDACTED]*, 3:05-cv-05793RJB, Dkts. 85 and 94. It appears that Plaintiff is continuing this pattern. Accordingly, further motions made in this matter by Plaintiff shall be docketed, but no action will be taken upon them.

Therefore, it is hereby **ORDERED**:

- Plaintiff's Motion to Reopen Case (Dkt. 22) and Plaintiff's Motion to Appoint Counsel (Dkt. 23) are **STRICKEN AS MOOT**.
  - Any further motion by Petitioner in this matter will be docketed, but no further action will be taken.
- The clerk is directed to send copies of this Order to Petitioner, counsel for Respondent, and to the Hon. J. Kelley Arnold.

DATED this 17<sup>th</sup> day of August, 2006.

  
Robert J. Bryan  
United States District Judge